

**FACSIMILE TRANSMITTAL**

**BOZICEVIC, FIELD & FRANCIS LLP**  
**200 Middlefield Road, Suite 200**  
**Menlo Park, CA 94025**  
**Telephone: (650)327-3400**  
**Facsimile Number: (650)327-3231**

**FORMAL COMMUNICATION**

Date: November 7, 2002  
To: Examiner John S. Brusca  
United States Patent and Trademark Office  
Facsimile No. (703) 746-5137  
From: James S. Keddie (Reg. No. 48,920)  
Re: Formal Communication  
U.S. Application Serial No. 09/297,648  
Inventors: Lewis T. Williams  
Our Reference: 2300-1481

Message: Examiner Brusca:

Attached please find a copy of the RCE transmittal, which was included with our filing of November 1, 2002.

Please call me at 650-833-7723 if I can answer any questions.

Thank you!

Total number of pages, including this cover sheet: 2

\*\*\*\*\*

**WARNING:** This facsimile message and accompanying documents are intended only for the use of the addressee indicated above. Information that is privileged or otherwise confidential may be contained therein. If you are not the intended recipient, you are hereby notified that any dissemination, copying, review or use of the above message or the accompanying documents is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or facsimile, and mail the original to us at the above address. Thank you.

Please contact Steven Goldstein at (650) 327-3400 if you have any problems receiving this transmission.

NOV-07-02 THU 12:51 PM

FAX NO.

P. 02 #31  
officed  
BD 11/7/02  
11/14/02

PTO/SB/30 (8-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/297,648
<i>Filing Date</i>	March 10, 2000
<i>First Named Inventor</i>	WILLIAMS, LEWIS T.
<i>Group Art Unit</i>	1631
<i>Examiner Name</i>	BRUSCA, JOHN S.
<i>Attorney Docket Number</i>	2300-1481

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.63 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
  - I  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered).
  - II  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - III  Other \_\_\_\_\_
- b.  Enclosed
  - I  Amendment/Reply
  - II  Affidavit(s)/Declaration(s)
  - III  Information Disclosure Statement (IDS)
  - IV  Other \_\_\_\_\_

**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b.  Other \_\_\_\_\_
- 3. **Fees** The RCE fee under 37 C.F.R. § 1.17 (e) is required by 37 C.F.R. § 1.114 when RCE is filed.
  - a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0815
    - I  RCE fee required under 37 C.F.R. § 1.17 (e)
    - II  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - III  Other \_\_\_\_\_
  - b.  Check in the amount of \$ \_\_\_\_\_ enclosed
  - c.  Payment by credit card (Form PTO-2038 enclosed)

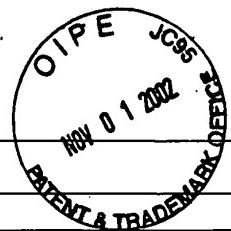
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	James S. Keddie, Ph.D.	Registration No. (Attorney/Agent)	48,920
Signature	James S. Keddie	Date	November 1, 2002

Express Mail Label No. EL 779 661 829 US

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND COMPLETED FORMS TO THE FOLLOWING ADDRESS: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

Filed 11/7/02  
DUCKEY



Express Mail Label No. EL 779 661 829 US

<b>AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111</b>  Address to: Box AF Assistant Commissioner for Patents Washington, D.C. 20231	Application Number	09/297,648
	Confirmation Number	1096
	Filing Date	March 10, 2000
	First Named Inventor	Williams et al.
	Examiner	J. Brusca
	Group Art	1631
	Attorney Docket No.	2300-1481

Sir:

This amendment is filed concurrently with a Request for Continued Examination.

A Notice of Appeal was filed on April 1, 2002 and Petition for a 5-Month Extension of Time is submitted herewith, making this amendment due on or before November 1, 2002. Accordingly, this response is timely filed.

A Declaration of Dr. Christopher Somerville under 37 C.F.R. § 1.132 is filed concurrently with this response.

In view of the remarks put forth below, reconsideration and allowance are respectfully requested.

**IN THE CLAIMS**

Please cancel all the pending claims of the application 09/297,648 without prejudice to renewal and simultaneously add new claims 146-154 for prosecution, as shown below.

---

146. (New) An isolated polynucleotide comprising at least 50 contiguous nucleotides of a sequence selected from SEQ ID NO:253 and the complement thereof.

D1

147. (New) A vector comprising a polynucleotide of claim 146.